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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,172	12/28/2000	Hugo Kroiss	951/49129	2142

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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,172

Applicant(s)

KROISS ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 19 is/are allowed.
- 6) ☒ Claim(s) 8,9,16 and 22-28 is/are rejected.
- 7) ☒ Claim(s) 10-15,18,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14. 6) ☐ Other: _____

FUEL SUPPLY SYSTEM FOR A MOTOR VEHICLE

NON-FINAL OFFICE ACTION

In response to the Applicant's request for continued examination (paper no. 12) and preliminary amendment (paper no. 13) both dated March 10, 2003.

INFORMATION DISCLOSURE STATEMENT

The Applicant's information disclosure statements dated March 10, 2003 have been received and considered. However, the Examiner points out that the document "German Office Action" as indicated on said IDS has not been considered because the Applicant has not indicated on said IDS what office action (application number, date, pages, etc) is being referenced. Thus, uncertainty exists as to whether a copy of said action has been provided.

CLAIMS

Objections

In response to the Applicant's amendments, the objection to claims 20 and 21 as indicated in the previous office action (10/08/02) has been overcome.

35 U.S.C. § 112

In response to the Applicant's amendments and remarks defining claimed terminology, the rejection of claims 11-15, 17, and 19 under 35 U.S.C. 112, second paragraph, as listed in said previous office action has been overcome.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 8, 9, 16, and 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuckey (6,213,726).

With regards to claim 8, Tuckey teaches a fuel system for a motor vehicle with a fuel container (ie. fuel tank 12) from which a fuel pump (14) transports fuel via fuel pipelines (18) from a system input location (16) in the fuel container via a fuel filter (24) towards an engine,

wherein a deposition tank is formed into a housing (38) of the fuel filter under a filter material (24), which is provided in the housing (ie. the area defined by the bottom of fuel tank but outside of the filter base 38 is interpreted as the “deposition tank”), into which said tank dirt filtered out of the fuel is deposited, and

wherein a pressure accumulator (22) is installed in the fuel system which accumulates and stores fuel when the engine is running and after the engine is switched off, the fuel stored in the pressure accumulator rinses the fuel filter to thereby operatively deposit said dirt into said tank (col. 3, lines 31-40).

With respect to claim 9, Tuckey suggests the claimed subject matter thereof (col. 3, lines 31-40).

With respect to claim 16, Tuckey suggests the claimed subject matter (fig. 1).

With respect to independent claim 22, the Examiner first points out that the recitations in the preamble have not been given patentable weight. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, claim 22 parallels that of claim 8. Thus, in order to provide a concise action, the Applicant's attention is directed to the rejection of claim 8.

With respect to claims 23 and 24, Tuckey teaches a fuel pump, pressure accumulator, and a fuel filter. Furthermore, Tuckey suggests the claimed layout thereof because the term "toward" as used by the Applicant is deemed very broad and generic.

With respect to claim 25, as pointed out above, Tuckey clearly suggests the claimed subject matter.

With respect to claim 26, Tuckey teaches a fuel filter (24), a pressure accumulator (22), a fuel pump (14), and a non-return valve (48) as claimed. Furthermore, Tuckey suggests the above as being a “preassembled unit” as claimed.

With respect to claim 27, Tuckey teaches a pressure regulator (28) and a non-return valve (48). Furthermore, Tuckey suggests the claimed layout thereof (fig. 1) with respect to the term “toward”.

With respect to independent claim 28, said claim parallels that of claim 8. Thus, in order to provide a concise action, the Applicant’s attention is directed to the above comments regarding claim 8.

Allowable Subject Matter

Claims 10-15, 18, 20, and 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 17 and 19 have been found to be allowable over the prior art.


Art Unit: 2855

Response to Arguments

In response to the Applicant's arguments pertaining to the rejection under 35 USC 102(b) over Bucci et al., said arguments are deemed moot in view of the Applicant's amendments which has overcome said rejection.

CONCLUSION

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
Art Unit 2855
May 06, 2003